



AN ASSOCIATION OF
MONTANA HEALTH
CARE PROVIDERS

BUSINESS, LABOR & ECONOMIC AFFAIRS
EXHIBIT No. 5
DATE 3-7-07
BILL No. HB 255

**Testimony Before the
Senate Business, Labor and Economic Affairs
Committee**

**Pertaining to HB 255
Clarify Cosmetology Services in Nursing Homes**

March 7, 2007

Testimony in Support of HB 255

MHA supports passage of HB 255, a bill that will clarify the types of residences in which homebound customers may receive cosmetology services outside of a licensed salon or shop. MHA's primary concern is the burden that existing statutory language places on those who provide a "home away from home" for their residents, and the impact on these residents.

Current language in MCA 37-31-301 states, "(2) It is unlawful: ... (c) to practice barbering, cosmetology, electrology, esthetics, or manicuring in any place other than in a licensed salon or shop as provided in this chapter, **except when a licensee is requested... (ii) by a customer with a disability or homebound customer to go to the customer's place of residence...**"

Unfortunately, in the interpretation of this language, settings other than individuals' private homes are not considered "places of residence." There are many residents in Montana's assisted living, nursing home and other long-term care facilities who feel quite differently about this concept—these facilities are where they live!

Many of you may have family members or friends who reside in these facilities because they need assistance with meeting various needs such as bathing, cooking, eating, transport and other daily activities. They are no longer able to live in their own homes, so they must live in supported homes. The level of support varies in these homes, but one deficit is shared by all these residents—dependence on leaving their homes for any reason. They need help to physically exit the home, whether it's with a person or a device such as a cane, walker, or wheelchair. They are no longer able to drive, may be unable to find/afford transportation, and are always at the mercy of others to venture outside the home.

Licensed facilities such as those listed in the proposed language in 37-31-101(8) are inspected annually by the Licensure and/or Certification Bureaus in the Quality Assurance Division of the Department of Public Health and Human Services. During these inspections, emphasis is placed on resident safety, sanitary conditions, appropriate physical plant function and safety, hazardous materials, and a homelike environment. If alleged adverse conditions are found, citations are issued and corrections must ensue. Nursing homes, in particular, are heavily regulated by the federal government (Medicare), and violations are taken very seriously. There are MANY protections in place for the residents through these regulations, and I know of no harm ever coming to a resident because of a facility not having a salon license.

This bill does **NOT** change the practice of barbering or cosmetology. It does **NOT** change who can practice barbering or cosmetology. It **ONLY** clarifies the definition of "Place of Residence."

Recently, the emphasis from Medicare has been to create an even stronger "resident-centered" care environment. The concept is to make the resident's new home as much like the old home as possible, within the context of a facility. Requiring a licensed beauty salon in these residents' homes is akin to removing their choice of how, when and where they get their hair done. If your mother's favorite cosmetologist has colored and permed her hair for 10 years, but is no longer able to do this after Mom moves into the nursing home because it does not have a salon license, it is just one more blow to her as an adult who is trying to retain her dignity and have a say in how her life moves forward. As Mom loses her physical abilities, sometimes these kinds of choices are all that is left.

Please listen to your inner voice of reason and ensure that our long-term care providers are able to treat their residents with the respect and consideration they so deserve; support HB 255. Thank you.

Cassy Blumenthal RN

Hi-Line Retirement Center

"Providing professional, quality, resident-centered care in a home- like environment to the people of Phillips County and surrounding areas."

March 7, 2007

Dear Committee Member,

As members of the Senate Business, Labor, & Economic Affairs Committee you will have the chance to hear testimony on HB225, which is a bill to exempt Skilled Nursing Facilities (SNF) and Assisted Living Facilities (ALF) from being required to have a licensed beauty salon in the facility.

Hi-Line Retirement Center, as a SNF and ALF, is not only our residents' place to stay but is a place to continue living, enjoy life and prosper; we do that by creating an environment and atmosphere of *family* and *home*. Since we are our residents' *home*, we feel that we should only have to be held to the same standards and requirements as any other home in which a beautician may go into, and not the licensing requirements imposed upon us now by the Board of Barbers and Cosmetologists. A SNF/ALF is a unique *home* living situation for our residents and should be considered differently if not separately.

As an Administrator of a SNF/ALF, I would encourage you to pass this bill and exempt a SNF/ALF from having to have a licensed beauty salon in the facility. Thank you for your time and thoughtful consideration on this matter.

Respectfully,

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